NEW MEXICO
ENVIRONMENT DEPARTMENT

Harold Runnels Building
1190 Saint Francis Drive, PO Box 5469
Santa Fe, NM 87502-5469
Telephone (505) 827-2855
www.env.nm.gov

Michelle Lujan Grisham
Governor

Howie C. Morales
Lt. Governor

James C. Kenney
Cabinet Secretary

Jennifer J. Pruett
Deputy Secretary

Certified Mail - Return Receipt Requested

June 13, 2019

Mr. Hayward Brown
HBC Construction
P.O. Box 212
Las Cruces, NM 88032

Re: HBC Construction/ O'Reilly Auto Parts (Coors); Construction Stormwater; SIC 1542; NPDES Compliance Evaluation Inspection; NPDES # NMR1001QY; May 21, 2019

Dear Mr. Brown:

Enclosed please find a copy of the report for the referenced inspection that the New Mexico Environment Department (NMED) conducted at your facility on behalf of the U.S. Environmental Protection Agency (USEPA). This inspection report will be sent to the USEPA in Dallas for their review. These inspections are used by USEPA to determine compliance with the National Pollutant Discharge Elimination System (NPDES) permitting program in accordance with requirements of the federal Clean Water Act.

Introduction, detailed site observations, and findings noted during this inspection are discussed in the "NPDES Construction General Permit" section of the inspection report.

You are encouraged to review the inspection report, required to correct any problems noted during the inspection, and advised to modify your operational and/or administrative procedures, as appropriate. If you have comments on or concerns with the basis for the findings in the NMED inspection report, please contact us (see the address below) in writing within 30 days from the date of this letter. Further, you are encouraged to notify in writing both the USEPA and NMED regarding modifications and compliance schedules at the addresses below:

Curry Jones
US Environmental Protection Agency
Water Enforcement Branch (6ECDWR)
1201 Elm Street Suite 500
Dallas, Texas 75202

Sarah Holcomb, Program Manager
New Mexico Environment Department
Surface Water Quality Bureau
Point Source Regulation Section
P.O. Box 5469
Santa Fe, New Mexico 87502

If you have any questions about this inspection report, please contact Jennifer Foote at (505)827-0596 or at Jennifer.Foote@state.nm.us.

Sincerely,

/s/ Sarah Holcomb

Sarah Holcomb
Program Manager
Point Source Regulation Section
Surface Water Quality Bureau

Cc: Carol Peters-Wagnon, USEPA (6ECDWM) by e-mail
David Long, USEPA (6ECDWM) by e-mail
Nancy Williams, USEPA (6ECDWA) by e-mail
Darlene Whitten-Hill, USEPA (6ECDWA) by e-mail
Amy Andrews, USEPA (6ECDWM) by e-mail
David Esparza, USEPA (6ECDWM) by e-mail
Curry Jones, USEPA (6ECDWR) by e-mail
John Rhoderick, NMED District I by e-mail
Curtis Cherne, COA by e-mail

Form Approved
OMB No. 2040-0003
Approval Expires 7-31-85

NPDES Compliance Inspection Report

Section A: National Data System Coding

Transaction Code	NPDES	yr/mo/day	Inspec. Type	Inspector	Fac Type
1 N 2 5 3	N M R 1 0 0 1 Q Y 11	12 1 9 0 5 2 1 17	18 }	19 S 20	2

Remarks

C O N S T R U C T I O N > 1 A C R E S

Inspection Work Days	Facility Evaluation Rating	BI	QA	Reserved
67 69	70 3	71 N 72	N 73 74	75 80

Section B: Facility Data

Name and Location of Facility Inspected *(For industrial users discharging to POTW, also include POTW name and NPDES permit number)*	Entry Time /Date	Permit Effective Date
O'Reilly Auto Parts (Coors) 6380 Coors Blvd NW Albuquerque, NM 87120 Bernalillo County	May 21, 2019 10:30 am	2/16/2017
	Exit Time/Date May 21, 2019 11:14 am	Permit Expiration Date 2/16/2022

Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s)
Mr. Hayward Brown/ HBC Construction/ 575- 541-5892

Other Facility Data

SIC 1542 General Contractors-Nonresidential Buildings,

GPS 35.1588°N, 106.6792°W

Name, Address of Responsible Official/Title/Phone and Fax Number

Mr. Hayward Brown/ Owner/ 575- 541-5892
HBC Construction
P.O. Box 212
Las Cruces, NM 88032

Contacted: Yes [x] No [ ]

Section C: Areas Evaluated During Inspection

(S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)

S	**Permit**	N	**Flow Measurement**	N	**Operations & Maintenance**	N	**CSO/SSO**
U	**Records/Reports**	N	**Self-Monitoring Program**	N	**Sludge Handling/Disposal**	N	**Pollution Prevention**
N	**Facility Site Review**	N	**Compliance Schedules**	N	**Pretreatment**	N	**Multimedia**
N	**Effluent/Receiving Waters**	N	**Laboratory**	M	**Storm Water**	N	**Other:**

Section D: Summary of Findings/Comments (Attach additional sheets if necessary)

1. **Inspector arrived on site at 05/21/2019 at approximately 10:30 am. The inspector was directed to Mr. Hayward Brown as the site contact. Introductions and the purpose of the inspection were explained. After a short tour of the site, a summary of the findings of the inspection were given. An electronic copy of the SWPPP was provided by email later in day.**
2. **See attached for further explanations.**

Name(s) and Signature(s) of Inspector(s)	Agency/Office/Telephone/Fax	Date
Jennifer Foote */s/ Jennifer Foote*	**NMED/SWQB 505-827-0596**	**6/12/19**
Signature of Management QA Reviewer	**Agency/Office/Phone and Fax Numbers**	**Date**
Sarah Holcomb, Program Manager */s/ Sarah Holcomb*	**NMED/SWQB 505-827-2798**	**6/13/19**

NPDES Construction General Permit Inspection Report – State of New Mexico

Inspection Date	5/21/19	Entry Time Exit Time	10:30am 11:14am
Inspector Name/ Telephone	Jennifer Foote 505-827-0596		
Facility Name/ Physical Location	O'Reilly Auto Parts (Coors) 6380 Coors Blvd NW Albuquerque, NM 87120		
Facility Type	☒ Commercial ☐ Residential ☐ Municipal ☐ Industrial		
County Location	Bernalillo County		
Latitude/Longitude (Decimal Degrees)	35.1588°N, 106.6792°W		

Operator/Mailing Address	Date Company Operation Began	Authorized Official(s)	Phone	NPDES Tracking Number	NOI Cert Date	SWPPP Cert Date
Hutton Exchange Albuquerque (Coors), LLC. 736 Cherry St Chattanooga, TN 37402	2/28/18	Mr. Todd Kimling	423.756.9267	NMR1001DZ	6/15/18	6/15/18
HBC Construction P.O. Box 212 Las Cruces, NM 88032	12/4/07	Mr. Hayward Brown	575-649-0398	NMR1001QY	11/26/28	n/a

Was project covered under a previous permit?		☐ Yes	☒ No
If yes, previous NPDES Tracking Numbers:			
Actual Start Date	12/7/18	Estimated End Date	5/31/19
Disturbed Area	☐ >5 acre ☒ 1>acre<5 ☐ <1acre and part of larger common plan		
Receiving Water, including information on segment number, impairments, tier	Rio Grande River, 20.6.4.105, E. coli TMDL, tier 2		

Permittee Representatives Present During Inspection:			
Name	Company/Organization	Title	Telephone
Mr. Hayward Brown	HBC Construction	Owner	575- 541-5892

Section I – Introduction:

The project is the construction of a commercial building and is in the landscaping phase. The main area of development is shown as 0.776 acres on the site map and described as 1 acre in the SWPPP and NOI. However, the driveway and staging area are on the adjacent lot and do not seem to be included in totals. At the time of inspection, the inspector did not understand that there were multiple permittees for the Project. The inspector spoke with HBC Construction during the inspection and a representative for the owner was onsite as well. Mr. Robert Duncan, SWPPP contact for Hutton Exchange, did not respond to the inspector's phone message or email. The SWPPP consultant provided electronic documents after the inspection and stated that Hutton Exchange has both Operational and Day to Day control at the site.

Section II – Observations Summary:

Permit:

Hutton Exchange Albuquerque (Coors), LLC. has NOI NMR1001DZ certified 6/15/2018 and certified the SWPPP on 6/15/18. SWPPP was signed by the VP of Development and included a delegation of authority to the Project Manager. The Project Manager certified the NOI. Signatory authority for signing SWPPPs and other reports was delegated to a third party.

HBC Construction has obtained NOI NMR1001QY certified 11/26/18. They signed an "Acknowledgement of SWPPP Requirements" on 1/8/19, but not the required SWPPP Certification. HBC is not mentioned in the SWPPP and the SWPPP states that Hutton Exchange has both Operational and Day to Day control at the site.

The NOI posting sign had been removed in the last few weeks as construction was wrapping up.

SWPPP:

The SWPPP was not onsite at the time of the inspection, as Mr. Brown had forgotten it in his hotel room that day. The SWPPP preparer provided the electronic copy and signatures for review that afternoon. As the onsite copy was unavailable, day to day updates could not be reviewed and the SWPPP was not representative of actual conditions on the site that day. The SWPPP does not indicate how areas to the east of the property line will be finally stabilized and Mr. Brown did not know of specific plans.

Recordkeeping & Inspections:

The inspections indicate work began 12/7/18. Inspections have a signature block for the inspector and SWPPP Management. Inspections are signed by inspector, each Operator with an NOI must certify inspections.

The Superintendent conducts monthly training, however, the specific personnel trained is not documented. The SWPP team includes the VP of Development who is unlikely to have been on site those days.

BMPs/Implementation:

When the inspector arrived, the Operators were just finishing shoveling the gutters clean of sediment. BMPs have been removed except for the far east end. The water quality pond had not yet been constructed as utilities had been located within it and need to be relocated (photo 1). It is unclear if the water quality pond and discharge culvert was sized to accommodate the two 36" DOT culverts that discharge to the site, the map states the pond is slightly undersized to meet the local ordinance.

The waste container was not covered (photo 2). No stabilization has been planned for the adjacent lot on the east side that was disturbed during this project, including the area within the driveway loop. (photo 1-2). Silt fence on the west side is wind damaged (photo 3) and a review of the inspections indicates an ongoing problem.

Stucco washout was occurring directly on the ground(Photo 3).

Section III – Inspection Findings:
Findings below are organized by permit section.

Part I: Permit Eligibility
Findings:

- Part 1.5 SWPPP Public posting was missing.
- Appendix I.11.1.1 The NOI certification cannot be delegated and must be signed by a Corporate Officer. (Hutton Exchange)

Part 2: Design, Installation and Maintenance Requirements
Findings:

- Part 2.1.4 Silt fence was not maintained or installed per SWPPP locations.
- Part 2.2.14 No documentation for temporary stabilization of disturbed areas.
- Part 2.3.3 Waste containers were not covered when not in use.
- Part 2.3.4 Stucco washout was occurring directly on the ground and not into a leakproof container.

Part 4: Site Inspection Requirements
Findings:

- Appendix I.11.2.2 Inspections were not certified by individual or position having overall responsibility for environmental matters for the company.

Part 6: Site Training Requirements
Findings:

- Part 6.3 No documentation that each member of the Stormwater Team was trained.

Part 7: Stormwater Pollution Prevention Plan (SWPPP)
Findings:

- Part 7.2.4/7.4 The site map in the SWPPP did not show current site conditions or dates of installation/removal of BMPs.
- Part 7.2.6.vi The plan did not describe specific vegetative and/or non-vegetative practices that will be used or schedule for initiating stabbilization
- Part 7.2.10 The SWPPP was not certified by HBC Construction before the NOI was obtained.
- Part 7.3 The SWPPP was not available at the time of the inspection.

Part 9: Permit Conditions Applicable To Specific States, Indian Country Lands, Or Territories
Findings:

- Part 9.4.1.c The SWPPP does not document that site specific practices will result in flow velocities that are not greater than predevelopment conditions.

NMED/SWQB Official Photograph Log Photo # 1		
Photographer: J. Foote	Date: 5/21/19	Time: 10:45 am
City/County: Albuquerque/Bernalillo		State: New Mexico
Location: O'Reilly Auto Parts (Coors)		
Subject: silt fence removed from east side, future drainage pond filled with dirt/utilities, BMP for under sidewalk drain is backfill.		

NMED/SWQB Official Photograph Log Photo # 2		
Photographer: J. Foote	Date: 5/21/19	Time: 10:45 am
City/County: Albuquerque/Bernalillo		State: New Mexico
Location: O'Reilly Auto Parts (Coors)		
Subject: staging area, no stabilization or BMPs, no cover on dumpster		

NMED/SWQB Official Photograph Log Photo # 3		
Photographer: J. Foote	Date: 5/21/19	Time: 10:45 am
City/County: Albuquerque/Bernalillo		State: New Mexico
Location: O'Reilly Auto Parts (Coors)		
Subject: silt fence blowing in wind, stucco washout on ground		